

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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JACOB TEREBOLO,

Plaintiff,

-against-

GREENWOOD CREDIT UNION,

Defendant.

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**MEMORANDUM OF
DECISION AND ORDER**
07-CV-1983 (ADS)(WDW)

APPEARANCES:

Law Offices of Lawrence Katz

Attorneys for the plaintiff

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Cedarhurst, NY 11516

By: Lawrence Katz, Esq., Of Counsel

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Attorneys for the defendant

30 Rowes Wharf
Boston, MA 02110

By: Harvey Weiner, Esq.

Karen B. Mariscal, Esq.

Jill M. Brannelly, Esq., Of Counsel

SPATT, District Judge.

On May 14, 2007, plaintiff Jacob Terebelo (the “Plaintiff”) commenced this action individually and on behalf of a class against defendant Greenwood Credit Union alleging violations of the Fair Credit Reporting Act, 15 U.S.C. § 1681 et seq. and the New York Fair Credit Reporting Act, N.Y. Gen. Bus. §380-m et seq. On October 24, 2007 this matter was transferred by the United States Judicial Panel on Multidistrict Litigation to the District of Massachusetts for consolidated pretrial proceedings. On August 27, 2008 the case was remanded back to this Court and on October 5, 2010

United States Magistrate Judge William D. Wall issued a status report request to the Plaintiff.

In response to Judge Wall's status request, the Plaintiff informed the court in a letter dated October 18, 2010 (the "October 18th letter") that the Massachusetts case had been dismissed, that the order of dismissal had been affirmed on appeal, and that presumably the court should have entered a dismissal of the matter upon remand. On October 20, 2010, based upon the Plaintiff's representations in the October 18th letter, Judge Wall issued a Report and Recommendation (the "Report") recommending that the Court dismiss the case. To date, there have been no objections filed to Judge Wall's Report.

In reviewing a report and recommendation, a court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. §636(b)(1)(C). "To accept the report and recommendation of a magistrate, to which no timely objection has been made, a district court need only satisfy itself that there is no clear error on the face of the record." Wilds v. United Parcel Serv., 262 F. Supp. 2d 163, 169 (S.D.N.Y. 2003) (citing Nelson v. Smith, 618 F. Supp. 1186, 1189 (S.D.N.Y. 1985)). The Court has reviewed Judge Wall's Report and finds it to be without any legal or factual errors.

There being no objection to Judge Wall's Report, it is hereby

ORDERED, that Judge Wall's Report and Recommendation is adopted in its entirety, and it is further

ORDERED, that the case is dismissed, and it is further

ORDERED, that the Clerk of the Court is directed to close this case.

SO ORDERED.

Dated: Central Islip, New York
February 9, 2011

/s/ Arthur D. Spatt
ARTHUR D. SPATT
United States District Judge